

1 EDMUND G. BROWN JR., Attorney General  
of the State of California

2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General

3 LINDA L. SUN, State Bar No. 207108  
Deputy Attorney General

4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013

5 Telephone: (213) 897-6375  
Facsimile: (213) 897-2804

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2008-330

13 **SCOTT ASHMENT CLOW**

14 9044 Navajo Trail  
Morongo Valley, CA 92256

**STATEMENT OF ISSUES**

15 Registered Nurse License Application

16 Respondent/Applicant.

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Statement of  
20 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
21 (Board), Department of Consumer Affairs, State of California.

22 2. On or about February 4, 2008, the Board of Registered Nursing received  
23 an application for a Registered Nurse License Application from Scott Ashment Clow  
24 (Respondent). On or about January 30, 2008, Respondent certified under penalty of perjury to  
25 the truthfulness of all statements, answers, and representations in the application. The Board  
26 denied the application on April 9, 2008.

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**JURISDICTION**

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

**STATUTORY PROVISIONS**

4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

5. Section 2761 of the Code states:  
“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:  
....

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.”

**FIRST CAUSE FOR DENIAL**

**(Discipline by Another Agency)**

6. Respondent’s application is subject to denial under Code section 2761, subdivision (a)(4), in that on March 19, 2004, Respondent’s vocational nursing license was revoked by the Board of Vocational Nursing and Psychiatric Examiners, State of California. The circumstances are as follows:

a. On or about October 23, 1992, the Board of Vocational Nursing and Psychiatric Examiners issued Vocational Nursing License No. VN 159475 to Respondent.

///

b. On or about June 7, 2000, in Case No. 6228, the Executive Officer of Board of Vocational Nursing and Psychiatric Examiners filed an accusation against Respondent. The causes for discipline underlying the accusation are as alleged in paragraph 7 below. Following an administrative hearing, Respondent's vocational nursing license was revoked. However, the revocation was stayed and he was placed on suspension for five (5) months and probation for five (5) years under certain terms and conditions. That Decision became effective on April 27, 2001 following a denial of Respondent's Petition for Reconsideration.

c. On or about May 20, 2003, in Case No. 6228, the Executive Officer of the Board of Vocational Nursing and Psychiatric Examiners filed a petition to revoke probation against Respondent for his non-compliance of several probationary terms. Following an administration hearing, his vocational nursing license was revoked effective March 19, 2007.

### FACTORS IN AGGRAVATION

7. To determine the appropriate penalty, Complainant further alleges the

following:

a. On or about February 4, 1997, in Case No. MMB03679, entitled *People of the State of California v. Scott Ashment Clow*, before the San Bernardino Municipal Court, Respondent was convicted upon his plea of nolo contendere of one count of violating Health and Safety Code section 11364 (possession of drug paraphernalia), a misdemeanor.

b. On or about November 7, 1997, in Case No. FMB02411, entitled *People of the State of California v. Scott Ashment Clow*, before the San Bernardino Superior and Municipal Court District, Respondent was convicted upon his plea of guilty of one count of violating Health and Safety Code section 11377(a) (possession of controlled substance), a misdemeanor.


1 c. On or about March 25, 1998, in Case No. FMB02714, entitled *People of*  
2 *the State of California v. Scott Ashment Clow*, before the San Bernardino  
3 Superior and Municipal Court District, Respondent was convicted upon  
4 his plea of nolo contendere of one count of violating Penal Code section  
5 273.5A (willful infliction of corporal injury), a misdemeanor.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Denying the application of Scott Ashment Clow for a Registered Nurse  
10 License;  
11 2. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: 6/16/08  
14

15  
16   
17 RUTH ANN TERRY, M.P.H, R.N.  
18 Executive Officer  
19 Board of Registered Nursing  
20 State of California  
21 Complainant

22  
23  
24  
25  
26  
27  
28  
LA2008600835

~6096037.wpd